

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

## **ORDER**

Defendant's Motion (Doc. 379) for reduction of sentence is denied.

Defendant’s ineffective assistance assertions are not properly raised under 18 U.S.C. § 3582(c)(1)(A)(i). *See United States v. Handerhan*, 789 F. App’x 924, 926 (3d Cir. 2019) (“The terms of neither the statute nor its policy statement provide for release on the basis of arguments . . . that were or could have been raised on direct appeal or in a § 2255 motion, let alone for defendants . . . who already have completed a § 2255 proceeding and who are subject to the restrictions on filing second or successive § 2255 motions.”). And to the extent Defendant premises his claim for relief on a generalized threat of the COVID-19 pandemic, his motion necessarily fails under circuit precedent. *See United States v. Raia*, 954 F.3d 594, 597 (3d Cir. 2020) (“[T]he mere existence of COVID-19 in society and the possibility that it may spread to a particular prison alone cannot independently justify compassionate release . . . ”).

Therefore, Defendant's Motion (Doc. 379) for modification of sentence is **DENIED**.

IT IS SO ORDERED.

November 7, 2022

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via ECF email notification):  
All Counsel of Record